

REMARKS

1. Claim Amendments

Claims 33 through 36 are pending in this application. Claim 33 has been amended, and claims 34 through 36, which depend on claim 33, are amended vis-à-vis the amendment to claim 33 to overcome the Examiner's rejections under U.S.C. § 112 and 102. Claim 33 has been amended to identify a gliadin component of gluten wheat protein as the component that is hydrolyzed.

2. 35 U.S.C. § 112, First Paragraph

Claims 33 through 36 stand rejected under 35 U.S.C. § 112, first paragraph, for asserted lack of enablement, particularly for lack of identifying the structure of the claimed peptide. The amended claim 33 now recites a gliadin component of the gluten wheat protein as the component of the gluten wheat protein that has been hydrolyzed and removed; thus, the claim identifies the structure of the gluten wheat protein that is hydrolyzed to overcome the rejection. Therefore, the amended claim 33 and claims 34 through 36 vis-à-vis the amended claim 33 overcome this rejection.

Claims 33 through 36 stand rejected under 35 U.S.C. § 112, first paragraph, for asserted lack of written description. It has been asserted that the claims contain subject matter not found in the specification in a manner to convey to one skilled in the art that the inventors had possession of the claimed invention. To overcome this rejection, claim 33 and dependent claims 34 through 36 vis-à-vis claim 33 have been amended to recite a specific component of the gluten wheat protein that is hydrolyzed, the gliadin component. The claims as amended overcome the rejection because the claims, as supported by the specification, demonstrate that the inventors had possession of the structure by identifying the component of the gluten wheat protein that was hydrolyzed.

Claims 33 through 36 stand rejected under 35 U.S.C. § 112, first paragraph, for asserted lack of enablement. To overcome this rejection, claim 33 have been amended to recite that a gliadin component of the gluten wheat protein has been removed. Thus, the amended claims now not only identify gliadin as the structure of the protein fragment that causes the hypersensitivity but also as the component of the gluten wheat protein that is

hydrolyzed. Therefore, claim 33 as amended, and claims 34 through 36 vis-à-vis the amended claim 33, overcome this rejection.

3. 35 U.S.C. § 102(e)

Claims 33 through 36 stand rejected under 35 U.S.C. § 102 for supported anticipation by Auriol et al. (WIPO, PCT, International Publication Number WO93/18180) ("Auriol"). The claimed invention, as amended, is novel over Auriol because Auriol does not teach a gluten-free product, nor does it teach hydrolyzing a gliadin component of gluten wheat protein. Auriol does not teach that hydrolyzing gluten wheat protein under alkaline and neutral conditions will hydrolyze a gliadin component of gluten wheat protein or produce a gluten-free product. This is further supported by example 1-experiment 3 of the subject specification where gluten wheat protein was hydrolyzed under alkaline and neutral conditions, and the product was not gluten-free; thus, the gliadin component was not removed. Therefore, the claimed invention as amended is novel over Auriol.

Claims 33 through 36 also stand reject under 35 U.S.C. § 102 as being anticipated by Blom et al. (US Patent No. 5,741,705 filed on February 23, 1995) ("Blom"). The claimed invention, as amended, is likewise novel over Blom because Blom does not teach a gluten-free product, nor does it teach hydrolyzing the gliadin component of gluten wheat protein. As amended, claims 33 through 36 recite a glutamine-rich gluten-free product where a gliadin component of the gluten wheat protein has been hydrolyzed. Since Blom does not teach hydrolyzing a gliadin component of gluten wheat protein or the production of a gluten-free product, claims 33 through 36 as amended are novel over Blom.

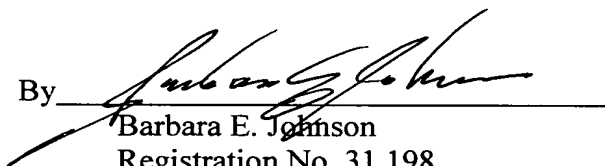
Application No.10/765,269
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In view of the foregoing remarks, it is respectfully submitted that pending claims 33 through 36 in the present application are in condition for allowance. Accordingly, reconsideration and withdrawal of the rejection and an early Notice of Allowance are respectfully requested. Applicants' undersigned representative would very much appreciate a telephonic or in-person interview, if necessary, for the purpose of attending to and resolving any issues which may remain prior to allowance of this patent application, and would welcome a telephone call at the telephone number listed below.

Respectfully submitted,

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